

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION



UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
vs.)	CASE NO. DNCW3:02CR000021
)	(Financial Litigation Unit)
)	
JAMES REUBEN BURTON, JR.,)	
Defendant,)	
and)	
)	
KLMKH, INC.,)	
Garnishee.)	

INSTRUCTIONS TO DEFENDANT
CLERK'S NOTICE OF POST-JUDGMENT GARNISHMENT,
EXECUTION, RECEIVERSHIP, GARNISHMENT, AND/OR SEQUESTRATION
AND RIGHT TO HAVE EXEMPTIONS DESIGNATED
(REQUEST FOR HEARING)

YOU ARE HEREBY NOTIFIED that based upon a Court judgment entered against you on April 25, 2012, in case number DNCW3:02CR000021 in the United States District Court for the Western District of North Carolina, you were ordered to pay \$3,209,364.37 for an assessment, fine and/or restitution and a garnishment of your property, funds or wages is being taken by the United States of America. The Clerk of Court balance of \$2,715,625.23 remains outstanding as of July 13, 2021. It is believed that the Garnishee may have property, funds or wages of yours in its custody, possession or control.

YOU ARE FURTHER NOTIFIED that there are exemptions under the law which may protect some of the property from being taken by the United States Government if you can show that the exemptions apply. Attached to the Writ is a summary of the major exemptions which apply in most situations under federal law pursuant to 18 U.S.C. § 3613.

You have a right to ask the Court to return your property to you if you think you do not owe the money to the United States Government that it says you do, or if you think the property the Government is taking qualifies under one of the exemptions mentioned above. If you want a hearing, within twenty (20) days after receipt of the Answer of Garnishee, you may file a written objection to the Answer and request a hearing. A copy of the objection and request for hearing shall be served on the Garnishee and the United States Government. Your request must be in writing. The objection must state your reasons for believing that the property or funds are not subject to attachment by the United States of America. Not all requests are granted.

If you wish, you may use this notice to request the hearing by checking the box below.

☐

Reason for Requesting Hearing:

- ___ I do not owe the money the government says I do (for default judgment only).
- ___ The property that the government is taking is exempt. Please attach Claim for Exemption Form.
- ___ The government did not comply with the statutory requirements for issuance of the Writ of Garnishment.

You must either mail it or deliver it in person to the following address:

Clerk of the United States District Court
401 West Trade Street
Charlotte, North Carolina 28202

So that the United States Government will know you want a hearing, you must also send a copy of your request to the following address:

United States Attorney's Office
Financial Litigation Unit
227 West Trade Street, Suite 1650
Charlotte, North Carolina 28202

If you are entitled to a hearing, the Court shall hold a hearing within ten (10) days after the date request is received by the Court, or as soon thereafter as is practicable, and give notice of the hearing date to all the parties.

If you are granted a hearing, you may explain to the judge why you think you do not owe the money to the United States Government or why these funds are exempt from execution. If you do not request a hearing within twenty (20) days of receiving the Answer of Garnishee, a Court Order of Continuing Garnishment will be entered attaching the property or funds that will be applied against the judgment owed to the United States of America.

If you think you live outside the Federal judicial district in which the Court is located, you may request, not later than twenty (20) days after you receive this notice, that this proceeding and that the property, funds or wages be transferred by the Court to the Federal judicial district in which you reside. You must make your request in writing, and either mail it or deliver it in person to:

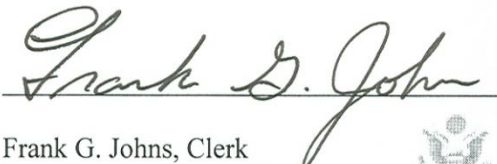
Clerk of United States District Court
401 West Trade Street
Charlotte, North Carolina 28202

So the United States Government will know that you want the proceeding to be transferred, you must also send a copy of your request to the following address:

United States Attorney's Office
Financial Litigation Unit
227 West Trade Street, Suite 1650
Charlotte, North Carolina 28202

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the Clerk of the Court. The Clerk is not permitted to give legal advice, but can refer you to other sources of information.

Signed: July 22, 2021


Frank G. Johns, Clerk
United States District Court

